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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,180	04/16/2004	Serge Soulet	33901-205	9787
7590 Thomas Langer, Esq. Cohen, Pontani, Lieberman & Pavane LLP Suite 1210 551 Fifth Avenue New York, NY 10176			EXAMINER HU, JINSONG	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 11/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/826,180	SOULET, SERGE	
	Examiner	Art Unit	
	Jinsong Hu	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-21 are presented for examination. Applicant filed request for priority on 4/16/04, but failed to provide any certified copy of foreign priority application.
2. Claims 4-20 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-20 have not been further treated on the merits.
3. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1-21, the use of the word "characterized" is inappropriate since 35 US 112, second paragraph, requires the claim to particularly point out and distinctly claim the invention, not merely its characteristics. Furthermore, if this word is eliminated, then the remaining format of the claim should be modified in order to reflect this correction.

As per claims 1-21, it is uncertain to which item or step E3, E15, E17, E20, E21, E22, E23 etc. refer.

Corrections are required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cline et al. (US 6,738,458) in view of Joong et al. (US 6,188,887).

6. As per claims 1-4 and 11-13, Cline teaches the invention substantially as claimed including a method for causing at least a first electronic messaging service mailbox (BOX1) of at least a first electronic messaging service system (S1) connected to at least a first user station (US1) for a user of said first mailbox (BOX1) to migrate towards a second electronic messaging service system (S2), the first electronic messaging service mailbox (BOX1) having a first physical electronic address (ADP1) and at least one first access electronic address (AD1) for giving access to users from the outside [col. 8, lines 5-38; col. 9, lines 37-54];

said method being characterized in that each of the first and second messaging service systems (S1, S2) is connected to a message routing center (FED) including a directory database (DIR) containing the addresses associated with the mailboxes of the messaging service systems (S3, S2) [col. 8, line 39 – col. 9, line 37]; and

during a first step (E1) a migration request (MR) is recorded on a migration control server (MCS), which request contains, in association, at least the first access address (AD1) of the first mailbox (BOX1) and a scheduled migration instant (DM) for migration of the first mailbox (BOX1) [col. 10, lines 13-24];

then, for each migration request (MR) recorded in the migration control server (MCS), and in succession, during a second step (E2), a second electronic messaging service mailbox (BOX2) having a second physical address (ADP2) is created in the second electronic messaging service system (S2) [col. 3, line 58 – col. 4, line 3; col. 10, line 65 – col. 12, line 12; col. 14, line 38 – col. 15, line 19]; and

during a fourth step (E8), in the message routing center (FED), and for the first mailbox (BOX1) a queue is activated for any incoming messages that are addressed to the first access address (AD1) so that they do not arrive in the first mailbox (BOX1) [col. 10, lines 13-24]; and

during a fifth step (E9), in the directory database (DIR), the physical electronic address (ADP1) recorded for the first mailbox (BOX1) is changed into the physical electronic address (ADP2) of the second mailbox (BOX2), the queue is deactivated, and the messages held up in the queue for the first mailbox (BOX1) are transferred to the second mailbox (BOX2) [col. 4, line 66 – col. 5, line 59; col. 13, line 49 – col. 14, line 37].

7. Cline does not specifically teach verifying the first and second mailboxes. However, bbb on the other hand teaches the step of verifying the first and second

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mailboxes [col. 2, line 48 – col. 3, line 14]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include bbb's verification step in Cline's system because doing so would avoid unauthorized user accessing the system. One of ordinary skill in the art would have been motivated to modify Cline's system with verification step to make the system more secure and reliable.

8. As per claim 5, Cline teaches the message routing center (FED) is suitable for routing the messages transmitted from the outside and addressed to a mailbox (BOX1, BOX2, BOX3) of any one of the messaging service systems (S1, S2) to said system, and is suitable for routing messages transmitted from a mailbox (BOX1, BOX2, BOX3) of any one of the messaging service systems (S2, S1) and addressed to a mailbox (BOX1, BOX2, BOX3) of any other one of the messaging service systems (S2, S1) to said other system [col. 10, lines 25-64].

9. As per claims 6-9, Cline teaches the invention substantially as claimed in claim 1. Cline does not specifically teach the steps of how to verify each mailboxes. However, bbb on the other hand teaches the step of verifying the mailboxes [col. 2, line 48 – col. 3, line 14]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include bbb's verification step in Cline's system because doing so would avoid unauthorized user accessing the system. One of ordinary skill in the art would have been motivated to modify Cline's system with verification step to

make the system more secure and reliable.

10. As per claims 10, Cline teaches the second messaging service system (S2) is connected to at least one data migration server (DMS) and, after the fifth step (E9) executed for the first mailbox (BOX1), a data transfer step (E15, E17) is executed, during which the data migration server (DMS) triggers (E15, E17) transfer of the data present in the first mailbox (BOX1) of the first messaging service system (S1) to the second mailbox (BOX2) of the second messaging service system (S2) [col. 13, line 49 – col. 14, line 37].

11. As per claims 14 and 17, Cline teaches prior to processing the migration requests, a choice is made between an operating mode with a data transfer step (E15, E17) and an operating mode without a data transfer step (E15, E17) [inherent, col. 11, lines 7-41].

12. As per claims 15 and 16, Cline teaches the second messaging service system (S2) is connected to at least one data migration server (DMS) and, after the fifth step (E4) executed for the first mailbox (BOX1), a local data transfer step (E30) is executed for transferring local data from the user station (US1), during which step the user station (US1) of the first mailbox (BOX1) of the first messaging service system (S1) triggers transfer of the data present in said user station (US1) to the second mailbox (BOX2) of the second messaging service system (S2) [col. 11, lines 6-41].

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13. As per claims 18-20, Cline teaches for recording the migration request (MR) during the first step (E1), the migration request is entered on an administration station (AS) connected to the migration control server (MCS), the entered migration request (MR) is sent from the administration station (AS) to the migration control server (MCS), and the migration request (MR) is recorded in a database (TC) of the migration control server (MCS) [col. 11, line 16 – col. 12, line 12].

14. As per claim 21, since it is a apparatus claim of claim 1, it is rejected for the same basis as claim 1 above.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

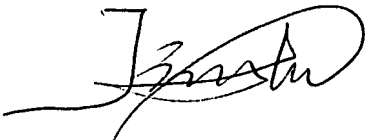
Brunson et al. US 6,018,762, Mann et al. US 6,947,969, Arnold et al. US 6,965,918, Green et al. US 7,254,612, Jiang et al. US 20030059004 disclose message migration system.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jinsong Hu', with a stylized, flowing script.

Jinsong Hu

November 9, 2007